

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Eugene A. Pruss et al.

Title: BORON NITRIDE AGGLOMERATED POWDER

App. No.: 10/645,305

Filed: August 21, 2003

Examiner: Wayne A. Langel

Group Art Unit: 1754

Customer No.: 34456

Confirmation No.: 7849

Atty. Dkt. No.: 1035-BN4126

MS PETITION

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

**SECOND PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION
(MPEP 711.03(c)(II) and 37 CFR §1.81)**

Dear Sir:

Further to Applicants Petition to Withdraw Holding of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c)(II) and 37 CFR §1.81) filed March 24, 2008, Applicants file this second petition in order to inquire about the status of the original petition.

Applicants confirm receipt of the Notice of Abandonment dated January 24, 2008, stating that Applicants failed to reply to the Notice of Allowance and Fee(s) Due (PTOL-85) within the statutory period of three months. However, Applicants confirm that the Notice of Allowance and Fee(s) Due (PTOL-85) was not received from the USPTO. As of the date of the Notice of Abandonment, January 24, 2008, the only communication received by Applicants' undersigned representative is a Supplemental Notice of Allowability, dated October 31, 2007. However, this communication did not include the Notice of Allowance and Fee(s) due (PTOL-85), which contains the mail date triggering the three-month statutory period for responding with payment of the issue fee.

In response to the Notice of Abandonment dated January 24, 2008, Applicants accessed the USPTO online records through PAIR, and have now downloaded the Notice of Allowance and Fee(s) Due (PTOL-85), and remit herewith a completed Part B-Fees Transmittal and Issue Fee Payment.

The undersigned attests to not receiving the Notice of Allowance and Fee(s) Due (PTOL-85) and to having conducted a search of the file jacket and docket records indicating that the Notice of Allowance and Fee(s) Due (PTOL-85) was not received. In connection with the foregoing, a copy of the docket record where the non-received Notice of Allowance would have been entered, had it been received and docketed, is attached to this petition. Under the section entitled "Diary Due Dates," an entry for "Issue Fee Due" would have been present if the Notice of Allowance and Fee(s) Due (PTOL-85) was received from the USPTO. Furthermore, under section entitled "Base Reference", the "Notice of Allowance/Acceptance Date" would have been entered to reflect the mailing date of the Notice of Allowance and Fee(s) Due (PTOL-85), if the Notice of Allowance and Fee(s) Due (PTOL-85) was received from the USPTO.

Since this petition is properly made under 37 C.F.R. §1.81 and MPEP 711.03(c)(II), no fee is believed to be due. However, to the extent that a fee is believed to be due by the Commissioner, the PTO is authorized to charge deposit account number 50-3797 to secure entry of the present petition.

Respectfully submitted,

Date

8/13/08


Jeffrey S. Abel, Reg. No. 36,079

Attorney for Applicant(s)

LARSON NEWMAN ABEL POLANSKY &
WHITE, LLP

5914 West Courtyard Drive, Suite 200

Austin, Texas 78730

(512) 439-7100 (phone)

(512) 439-7199 (fax)

CASE RECORD LISTING

24 Mar 2008

File No	1035-BN4126	Module	Patents
Case Ref	106	Case Type	NAT
Short Title	Boron Nitride Agglomerated Powder	Country Code	US
Title/Mark		Status Code	PEN
Analysis Code 1			
Analysis Code 2			
Analysis Code 3			
Analysis Code 4			
Analysis Code 5			
Change Reportable	N		
Last Amended By	ELAINE	Last Amended Date	29 Jan 2008
Last Checked By		Last Checked Date	
CPA Reportable	N	File Location	
No of Claims	0	Gazette Ref	
Language of Filing		Alternate Office Code	Large
		Entity Size Ind	

<u>Base Reference</u>	<u>Date</u>	<u>Number</u>
Application No. / Date	21 Aug 2003	10/645,305
Grant / Issue No. / Date		
Notice of Allowance / Acceptance date		
Case created	19 Dec 2002	
Non-Publication Request Date		
Parent Publication Date	24 Feb 2005	2005-0041373-A1
Request for Continued Examination	28 Nov 2006	

<u>Role Type</u>	<u>Name</u>
Attorney	Abel Jeffrey S.
Client	Saint-Gobain Corporation
Inventor	Pruss Eugene A.
Owner/Applicant/Proprietor	Saint-Gobain Ceramics & Plastics, Inc.
Responsible People	Field Thomas G.

<u>Case Nature</u>	<u>File No</u>	<u>Appln No</u>	<u>Country Name</u>
--------------------	----------------	-----------------	---------------------

<u>Diary Due Dates</u>	<u>Status</u>	<u>Action</u>
3/24/2008	Outstanding	* Response to Notice of Abandonment

Abstract

Remarks Related Cases:
BN4073

Claims

Text 1
Text 2
Text 3